

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AYLUS NETWORKS, INC.,
Plaintiff,
v.
APPLE INC.,
Defendant.

Case No. 13-cv-04700-EMC (KAW)

**ORDER DENYING ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
WITHOUT PREJUDICE**

Re: Dkt. No. 145

Aylus moves to file documents relating to its motion for leave to amend its infringement contentions under seal. (Pl.'s Mot., Dkt. No. 145.) It brings the motion solely because the documents contain material that Apple has designated "Highly Confidential – Attorneys' Eyes Only" pursuant to the stipulated protective order entered in this case. (*Id.* at 1.) Apple has filed a supporting declaration as required by Civil Local Rule 79-5(e).

The motion is DENIED WITHOUT PREJUDICE because it is not "narrowly tailored to seek sealing only of sealable material." *See* Civil L.R. 79-5(b). Aylus seeks to seal several exhibits in their entirety, and while Apple has designated the exhibits "Highly Confidential – Attorneys' Eyes Only," it has not established that those exhibits should be sealed in their entirety. For example, among the material the parties seek to file under seal are screen shots that appear similar, if not identical, to those that typically appear on Apple's website, boilerplate objections to interrogatories, and publicly-available claim language.

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1 For these reasons, Aylus' motion to file under seal is DENIED WITHOUT PREJUDICE.
2 Aylus may file a renewed motion only after meeting and conferring with Apple to ensure that any
3 subsequent motion is narrowly tailored to seek sealing only of sealable material. Any such motion
4 must be filed by no later than July 23, 2015. Given that Aylus' counsel will be out of the country
5 from July 22 through August 6, the Court will hear the motion on August 20, 2015, not September
6 3, 2015. In the meantime, lead trial counsel are ordered to meet and confer in an effort to reach a
7 compromise regarding potential amendments to Aylus' infringement contentions.

8 IT IS SO ORDERED.

9 Dated: 07/16/2015

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11 KANDIS A. WESTMORE
United States Magistrate Judge

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United States District Court
Northern District of California